

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 31.07.2017****CORAM:****THE HONOURABLE MR. JUSTICE M.S.RAMESH****CrI.O.P.No.7818 of 2017**

Ramaiyya

..

Petitioner

Vs.

1.The Superintendent of Police,
Thiruvallur District Police,
Thiruvallur.

2.The Deputy Superintendent of Police,
Tirutani Division,
Tirutani.

3.The Inspector of Police,
Pothatturpet Police station,
Pothatturpet,
Thiruvallur District.

4.The Deputy superintendent of Police,
C.B.C.I.D,
Thiruvallur District,
Thiruvallur.

..

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer the investigation in Crime No.95 of 2017 on the file of the 3rd respondent to the 4th respondent for fair and proper investigation.

For Petitioner : Mr.L.P.Balajiram

For Respondents : Mr.P.Govindarajan
Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to transfer the investigation in Crime No.95 of 2017 on the file of the 3rd respondent to the 4th respondent for fair and proper investigation.

2.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing on behalf of the respondents.

3.The grievance of the petitioner is that inspite of a complaint given by him on 26.03.2017 to the first respondent, who in turn directed the second respondent to conduct proper investigation, the same has not been properly conducted. It is well settled in the judgment of the Hon'ble Supreme Court in ***Lalita Kumari Vs. Government of Uttar Pradesh and others [2013 (6) CTC 353]***, that registration of an FIR is mandatory under Section 154 of

the Code of Criminal Procedure if an information furnished to the police officer disclose commission of a cognizable offence and in cases where the information does not disclose a cognizable offence, a preliminary enquiry has to be conducted.

4.The respondent is not justified in having received the complaint and keeping it unattended without any further action. In view of the same, the petitioner has made out a case for this Court to invoke its inherent powers under Section 482 of the Criminal Procedure Code. Hence, the third respondent is directed as follows:

1)If the information received by the second respondent discloses commission of a cognizable offence, then, the same shall be forthwith registered.

2)If an information received does not disclose a cognizable offence, the second respondent shall conduct a preliminary inquiry to ascertain whether cognizable offence is disclosed therein or not and such inquiry shall be completed within a period of seven days from the date of information.

3)If the inquiry discloses the commission of a cognizable offence, the FIR must be registered.

4)If the preliminary inquiry ends in closing the complaint, the disclosure report must be recorded along with the reasonings and a copy of the same shall be furnished to the complainant within one week.

5)All information relating to cognizable offences whether resulting in registration of FIR or leading an inquiry must be reflected in the general diary/station diary/daily diary of the second respondent's police station.

5.In the result, the Criminal Original Petition is allowed with the above directions.

31.07.2017

Index:Yes/No

dn

WEB COPY

To

- 1.1.The Superintendent of Police,
Thiruvallur District Police,
Thiruvallur.
- 2.The Deputy Superintendent of Police,
Tirutani Division,
Tirutani.
- 3.The Inspector of Police,
Pothatturpet Police station,
Pothatturpet,
Thiruvallur District.
- 4.The Deputy superintendent of Police,
C.B.C.I.D,
Thiruvallur District,
Thiruvallur.
- 5.The Public Prosecutor,
High Court, Madras.



WEB COPY

M.S.RAMESH.J,

dn



Crl.O.P.No.7818 of 2017

WEB COPY

10.07.2017